

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG/LEK
)	
Plaintiff,)	DECLARATION OF COUNSEL
)	
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security;)	
JOHN DOES 2-5,)	
)	
Defendants.)	
_____)	

DECLARATION OF COUNSEL

I, Daphne E. Barbee, declare under penalty of perjury as follows:

1. Declarant represents Plaintiff Raymond Ware in the above-entitled matter, which was litigated in trial March 11, 2008 through March 20, 2008.
2. During the trial, defendant and plaintiff stipulated that in the event plaintiff prevailed on his discrimination claims, the Court would determine the amount of back pay, reinstatement and future pay.
3. A jury instruction was presented to the jury indicating the Court would determine back pay, reinstatement, and future pay in the event the jury finds for plaintiff. See Exhibit 5.

4. On March 20, 2008, the jury returned with a verdict in favor of plaintiff, finding discrimination occurred. However, the jury did not award plaintiff any compensatory damages for pain and suffering. See Exhibit 5 attached as Motion to Determine Back Pay (1a).

5. On March 25, 2008, plaintiff filed a Motion to Determine Back Pay, Reinstatement, or Front Pay. See Exhibit 1a.

6. On March 27, 2008, a judgment was filed by the clerk of the court indicating there were no damages to be awarded to plaintiff. The judgment did not include any back pay award. See Exhibit 2a.

7. Plaintiff respectfully request that this Court to amend the judgment to include back pay, reinstatement or future pay for plaintiff pursuant to the stipulation and jury instructions presented at trial.

FURTHER DECLARANT SAYETH NAUGHT.

DATED: Honolulu, Hawaii 3-31-08
D-E Barbée
DAPHNE E. BARBEE
Attorney for Plaintiff